

AMENDED IN SENATE MAY 24, 2010
AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1066

Introduced by Senator Oropeza
(Coauthor: Senator Padilla)

February 17, 2010

An act to amend Section 6126 of, and to add Section 5040 to, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, as amended, Oropeza. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities. Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities.

This bill would require the Inspector General to oversee, and the Department of Corrections and Rehabilitation to *oversee and* conduct, periodic and random searches of all employees and vendors entering all of the state prisons under the jurisdiction of the department for contraband, and to report to the Legislature quarterly regarding those searches, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5040 is added to the Penal Code, to read:
- 2 5040. (a) The Department of Corrections and Rehabilitation
- 3 shall oversee and conduct periodic and random searches of all

1 employees and vendors entering all of the state prisons under the
2 jurisdiction of the department for contraband. These searches shall
3 include random searches of all property, personal or otherwise,
4 brought into the prison by those individuals. *The department shall*
5 *provide the Inspector General with a minimum of five working*
6 *days notice prior to the date of those random searches the*
7 *department plans to conduct.*

8 (b) (1) The department shall, in consultation with the Inspector
9 General *pursuant to Section 6126*, provide a written report to the
10 Legislature quarterly detailing the following:

- 11 ~~(1)~~
- 12 (A) The names of the prisons where the searches took place.
- 13 ~~(2)~~
- 14 (B) The dates of the searches.
- 15 ~~(3)~~
- 16 (C) The shifts during which the searches took place.
- 17 ~~(4)~~
- 18 (D) The number of employees searched.
- 19 ~~(5)~~
- 20 (E) The number of employees scheduled to work on those shifts.
- 21 ~~(6)~~
- 22 (F) The number of vendors searched.
- 23 ~~(7)~~
- 24 (G) The number of vendors scheduled to arrive during those
25 shifts.
- 26 ~~(8)~~
- 27 (H) The number of cell phones discovered.
- 28 ~~(9)~~
- 29 (I) The number of items of portable computer equipment found,
30 including, but not limited to, iPods, MP3 players, DVD players,
31 CD players, CDs, and portable video game players.
- 32 ~~(10)~~
- 33 (J) Tobacco products found, including lighters and matches.
- 34 ~~(11)~~
- 35 (K) Illegal substances found, broken out by type of substance.
- 36 (2) The report shall also contain a general comment section for
37 use by the Inspector General and the department to discuss the
38 issues they find relevant to the searches and shall include a section
39 detailing the actions taken as a result of the discovery of contraband

1 possessed by an employee or vendor and the results of any
2 disciplinary process resulting from the discovery of contraband.

3 (c) ~~The report~~ *reports* to be submitted pursuant to subdivision
4 (b) shall be submitted in compliance with Section 9795 of the
5 Government Code.

6 SEC. 2. Section 6126 of the Penal Code is amended to read:

7 6126. (a) (1) The Inspector General shall review departmental
8 policy and procedures, conduct audits of investigatory practices
9 and other audits, be responsible for contemporaneous oversight of
10 internal affairs investigations and the disciplinary process, and
11 conduct investigations of the Department of Corrections and
12 Rehabilitation, as requested by either the Secretary of the
13 Department of Corrections and Rehabilitation or a Member of the
14 Legislature, pursuant to the approval of the Inspector General
15 under policies to be developed by the Inspector General. The
16 Inspector General may, under policies developed by the Inspector
17 General, initiate an investigation or an audit on his or her own
18 accord.

19 (2) The Inspector General shall audit each warden of an
20 institution one year after his or her appointment, and shall audit
21 each correctional institution at least once every four years. Each
22 audit of a warden shall include, but not be limited to, issues relating
23 to personnel, training, investigations, and financial matters. Each
24 four-year audit shall include an assessment of the maintenance of
25 the facility managed by the warden. The audit report shall include
26 all significant findings of the Inspector General's assessment of
27 facility maintenance. These audit reports shall be provided to the
28 Legislature and shall be made public. The requirements of this
29 paragraph shall be phased in by the Inspector General so that they
30 are fully met by July 1, 2009.

31 (3) The Inspector General shall oversee ~~the searches for~~
32 ~~contraband conducted by the department pursuant to Section 5040~~
33 ~~and shall, at a minimum, the department's search of one staff shift~~
34 ~~per year at each adult institution, in order to ensure the integrity~~
35 ~~of the process and of the searches, and the accuracy of the reports~~
36 ~~submitted pursuant to Section 5040. Nothing in this paragraph~~
37 ~~shall be interpreted to allow the Inspector General to direct the~~
38 ~~department regarding when the random searches shall take place,~~
39 ~~to allow the Inspector General to direct the department regarding~~
40 ~~how the random searches shall be carried out, or as requiring the~~

1 *Inspector General's approval prior to the department conducting*
2 *the random searches.*

3 (b) Upon completion of an investigation or audit, the Inspector
4 General shall provide a response to the requester.

5 (c) The Inspector General shall, during the course of an
6 investigatory audit, identify areas of full and partial compliance,
7 or noncompliance, with departmental investigatory policies and
8 procedures, specify deficiencies in the completion and
9 documentation of investigatory processes, and recommend
10 corrective actions, including, but not limited to, additional training
11 with respect to investigative policies, additional policies, or changes
12 in policy, as well as any other findings or recommendations that
13 the Inspector General deems appropriate.

14 (d) The Inspector General, pursuant to Section 6126.6, shall
15 review the Governor's candidates for appointment to serve as
16 warden for the state's adult correctional institutions and as
17 superintendents for the state's juvenile facilities.

18 (e) The Inspector General shall, in consultation with the
19 Department of Finance, develop a methodology for producing a
20 workload budget to be used for annually adjusting the budget of
21 the Office of the Inspector General, beginning with the budget for
22 the 2005–06 fiscal year.